HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.15293 of 2006

Date: 25-07-2006

Between:

N. Latha Sree @ T.Latha Sree

…Petitioner.

And

The State Election Commission,
Andhra Pradesh, Hyderabad,
Rep.by its Secretary and others.

… Respondents.

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O R D E R :

Heard Sri V. Jagapathi, learned counsel representing the petitioner, learned Assistant Government Pleader for Panchayat Raj & Rural Development and Sri V.V.Prabhakar Rao, representing the State Election Commission.

The writ petition is filed for a writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the proceedings in Roc.No.B/1721/2006, dated 22-7-2006 on the file of the third respondent - Revenue Divisional Officer, and after perusing the same, set aside the said proceedings as arbitrary, discriminatory and contrary to law and consequently direct the respondents to consider the candidature of the petitioner for the post of Sarpanch, Tiruchanur Gram Panchayat, under Backward Class category, in the ensuing elections scheduled on 29-7-2006 by holding that the petitioner belongs to Yadava Caste (BC-B Group) and with all other consequential benefits and pass such other suitable orders.

Several factual details, no doubt, had been narrated and it was explained how she was able to establish very well that she belongs to Backward Class category. The narration of facts in detail are in paragraphs 2 to 9 of the affidavit filed in support of the writ petition and

in the grounds also several factual details again had been reiterated to show how the impugned order is arbitrary. It is no doubt true that on a prima-facie reading of several of the factual details narrated, this Court is satisfied that the rejection appears to be arbitrary. However, this Court is not inclined to express any further opinion in this regard, for the reason that the petitioner is having an effective alternative remedy by way of Election Petition. Hence, liberty is given to the petitioner to approach the competent Election Tribunal raising all the grounds available to her in law inclusive of the grounds raised in the present writ petition.

The writ petition is accordingly disposed of. No order as to costs.

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P.S.NARAYANA, J

25-07-2006.
Msr.

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(Msr)